

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I hereby claim the benefit under Title 35, United States Code, 119(e) of any United States provisional application(s) identified below:

Provisional application No. 60/115780, filed on January 13, 1999.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Define Via In Dual Damascene Process** the specification of which was filed on December 3, 1999 as application Serial No. 09/454003.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Thomas J. Bean	(Reg. No. P-44528)
Lester H. Birnbaum	(Reg. No. 25830)
Richard J. Botos	(Reg. No. 32016)
Jeffery J. Brosemer	(Reg. No. 36096)
Kenneth M. Brown	(Reg. No. 37590)
Craig J. Cox	(Reg. No. 39643)
Donald P. Dinella	(Reg. No. 39961)
Guy H. Eriksen	(Reg. No. 41736)
Martin I. Finston	(Reg. No. 31613)
William S. Francos	(Reg. No. 38456)
Barry H. Freedman	(Reg. No. 26166)
Julio A. Garceran	(Reg. No. 37138)
Jimmy Goo	(Reg. No. 36528)
Anthony Grillo	(Reg. No. 36535)
Stephen M. Gurey	(Reg. No. 27336)
John M. Harman	(Reg. No. 38173)
Michael B. Johannesen	(Reg. No. 35557)
Mark A. Kurisko	(Reg. No. 38944)
Irena Lager	(Reg. No. 39260)
John B. MacIntyre	(Reg. No. 41170)
Christopher N. Malvone	(Reg. No. 34866)
Scott W. McLellan	(Reg. No. 30776)
Martin G. Meder	(Reg. No. 34674)
John C. Moran	(Reg. No. 30782)
Michael A. Morra	(Reg. No. 28975)
Gregory J. Murgia	(Reg. No. 41209)
Claude R. Narcisse	(Reg. No. 38979)
Joseph J. Opalach	(Reg. No. 36229)
Neil R. Ormos	(Reg. No. 35309)
Eugen E. Pacher	(Reg. No. 29964)
Jack R. Penrod	(Reg. No. 31864)
Gregory C. Ranieri	(Reg. No. 29695)
Scott J. Rittman	(Reg. No. 39010)
Ferdinand M. Romano	(Reg. No. 32752)
Eugene J. Rosenthal	(Reg. No. 36658)
Bruce S. Schneider	(Reg. No. 27949)
Ronald D. Slusky	(Reg. No. 26585)
David L. Smith	(Reg. No. 30592)
Ozer M. N. Teitelbaum	(Reg. No. 36698)
John P. Veschi	(Reg. No. 39058)
David Volejnicek	(Reg. No. 29355)
Charles L. Warren	(Reg. No. 27407)
Jeffrey M. Weinick	(Reg. No. 36304)
Eli Weiss	(Reg. No. 17765)

Please address all correspondence to the Docket Administrator (Rm. 3C-512), Lucent Technologies Inc., 600 Mountain Avenue, P. O. Box 636, Murray Hill, New Jersey 07974-0636. Telephone calls should be made to Martin G Meder by dialing 610-712-3764.

Full name of 1st joint inventor: Steven Alan Lytle

Inventor's signature Steven Alan Lytle Date 1-26-00

Residence: Orlando, Orange County, Florida

Citizenship: United States of America

Post Office Address: 7972 Canyon Lake Circle
Orlando, Florida, 32835

Full name of 2nd inventor: Thomas Michael Wolf

Inventor's signature Thomas Michael Wolf Date 1-31-00

Residence: Orlando, Orange County, Florida

Citizenship: United States of America

Post Office Address: 8036 Old Town Drive
Orlando, Florida, 32819

Full name of 3rd inventor: Allen Yen

Inventor's signature Allen Yen Date 1/26/00

Residence: Orlando, Orange County, Florida

Citizenship: United States of America

Post Office Address: 10432 Emerald Woods Avenue
Orlando, Florida, 32836

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) **Steve Allen Lytle**
Tom Michael Wolf
Allen Yen

Case **9-8-4**

Serial No. **09/454003** Group Art Unit **2815**

Filing Date **December 3, 1999**

Examiner **M. Warren**

Title **Define Via In Dual Damascene Process**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D. C. 20231

SIR:

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application. An Agreement Regarding Powers of Attorney and General Appointment of Agent and Power of Attorney is submitted herewith.

Firm Name: **Agere Systems Inc.**
Address: **P.O. Box 614**
Berkeley Heights, NJ 07922-0614 USA
Telephone: **(908) 582-3258** Fax: **(908) 582-5911**

I represent the assignee of record of the entire interest who is entitled to prosecute this application to the exclusion of the named inventors on the previous assignee pursuant to 37 CFR 3.71. A statement under 37 CFR 3.73(b) is enclosed.

Respectfully,



Ferdinand M. Romano, Attorney
Reg. No. 32752
Phone (407) 371-3250

Date: 27 March 2001

Agere Systems Inc.
P.O. Box 614
Berkeley Heights, New Jersey 07922-0614

I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to: Commissioner of Patents and
Trademarks Washington, D.C. 20231 on
3-27-01

Mary V. Carter
Printed name of person mailing paper or fee
Mary V. Carter
Signature of person mailing paper or fee

**AGREEMENT REGARDING
POWERS OF ATTORNEY**

by and between

LUCENT TECHNOLOGIES INC.

and

AGERE SYSTEMS INC.

Dated as of February 1, 2001

AGREEMENT REGARDING POWERS OF ATTORNEY

This Agreement is effective as of February 1, 2001 between LUCENT TECHNOLOGIES INC., a Delaware corporation ("LUCENT"), having an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, for itself and on behalf of its Subsidiaries (each and all herein after "LUCENT") and AGERE SYSTEMS INC., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("AGERE").

WHEREAS, the Board of Directors of LUCENT has determined that it is in the best interests of LUCENT and its stockholders to separate LUCENT's existing businesses into two independent businesses; and

WHEREAS, as part of the foregoing, LUCENT has assigned certain United States and corresponding foreign patents and patent applications to AGERE, which patents and applications were filed in the name of LUCENT and various of its subsidiaries and predecessors, including AT&T Corp., a New York corporation and various of its subsidiaries; and

WHEREAS, in order to effect its rights under such patents and to prosecute such patent applications, including recording such assignments, AGERE representatives need Power of Attorney from LUCENT and predecessors of LUCENT.

THEREFORE, LUCENT agrees to provide AGERE employees and employees of AGERE affiliated companies with Powers of Attorney in the form attached to act for LUCENT, any of its wholly-owned subsidiaries, and any of such predecessors with respect to such issued patents and pending patent applications in the names of LUCENT, such subsidiaries or any of such predecessors.

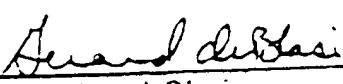
AGERE agrees to use such Powers of Attorney only with respect to those certain patents and patent applications which were assigned to AGERE by LUCENT.

LUCENT TECHNOLOGIES INC.

By: 
Daniel P. McCurdy
President - Intellectual Property Business

Date: 1/30/01

AGERE SYSTEMS INC.

By: 
Gerard A. deBlasi
Vice President - Law

Date: 1/30/01

GENERAL APPOINTMENT OF AGENT**And****POWER OF ATTORNEY**

Lucent Technologies Inc., for itself and its subsidiaries, and as successor in interest to
patents of AT&T Corp. and its subsidiaries, hereby appoints:

Gerard A. deBlasi
Fred M. Romano
Scott W. McLellan
Richard J. Botos
Marie MacNichol
Geraldine Monteleone
Scott Rittman
Anthony Grillo
David Smith
Robert P. Marley
John Veschi
Mark Kurisko
Les Birnbaum

as agents and attorneys to act on its and on Lucent Technologies Inc.'s behalf before any
competent National and International Authorities in connection with any and all patents
and patent applications filed by Lucent Technologies Inc., its wholly-owned subsidiaries
or its predecessors, or issued or pending in the name of Lucent Technologies Inc., or any
of its wholly-owned subsidiaries or predecessors, with the power to further appoint
agents, and grant powers of attorney in connection therewith.

Lucent Technologies Inc.

By: 

Daniel P. McCurdy
President - Intellectual Property Business

Date: 1/30/01

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Agere Systems Guardian Corp.Application No./Patent No.: 09/454003 Filed/Issued Date: 12/3/99Entitled: Define Via In Dual Damascene ProcessAgere Systems Guardian Corp., corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

States that it is :

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel_____. Frame_____, or for which a copy thereof is attached.

OR

B. A Chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From Inventor(s) To: Lucent Technologies Inc.
The document was recorded in the United States Patent and Trademark Office at Reel_____. Frame_____, or for which a copy thereof is attached.
2. From Lucent Technologies Inc. To: Agere Systems Guardian Corp.
The document was recorded in the United States Patent and Trademark Office at Reel_____. Frame_____, or for which a copy thereof is attached.
3. From _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel_____. Frame_____, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

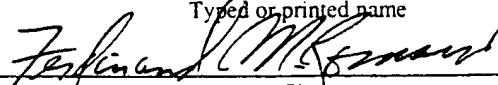
27 March 2001

Date

I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to: Commissioner of Patents and
Trademarks Washington, D.C. 20231 on
3-27-01

Mary V. Carter
Printed name of person mailing paper or feeMary V. Carter
Signature of person mailing paper or feeFerdinand M. Romano

Typed or printed name



Signature

Corporate Counsel

Title

32752

Registration No.

EXECUTION COPY

PATENT ASSIGNMENT

by and between

LUCENT TECHNOLOGIES INC.

and

AGERE SYSTEMS GUARDIAN CORP.

Dated as of January 30, 2001

PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).

ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Herrmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent

Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

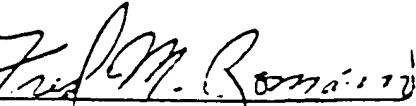
IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

LUCENT TECHNOLOGIES INC.

By: 

Daniel P. McCurdy
President, Intellectual Property Business

AGERE SYSTEMS GUARDIAN CORP.

By: 

Fred M. Romano
President

ACKNOWLEDGMENTS

STATE OF NEW JERSEY)
: ss:

COUNTY OF SOMERSET)

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:
 a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and
 b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.

Tamora Anne Hanna

Name **TAMORA ANNE HANNA**
 Notary Public **Notary Public of New Jersey**
 My Commission Expires **Registered in Hunterdon County**
 [Notarial Seal] **My Commission Expires March 25, 2002**

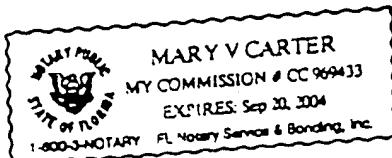
STATE OF FLORIDA)
: ss:

COUNTY OF ORANGE)

I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:
 a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and
 b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.

Mary V Carter

Name **MARY V CARTER**
 Notary Public
 My Commission Expires:
 [Notarial Seal]



APPENDIX A (continued)
Transferred Patents - (Transfer of bare legal title)

Case Name	Filing Date	Issue Date	Patent No.
Lin 2-1	6/7/1996	9/23/1997	5670062
Lin 3	4/29/1988	6/30/1987	4676847
Lin 3	10/25/1993	6/6/1995	5422838
Lin 4	7/22/1982	6/26/1984	4456499
Lin 7	7/13/1987	9/6/1988	4769689
Ling 10-17	3/28/1988	3/7/1989	4811164
Lippitt 1	2/19/1998	1/4/2000	6010828
Little 1	1/31/1992	1/25/1994	5282174
Liu 1-3	6/15/1983	5/13/1986	4588928
Liu 20	11/30/1995	11/18/1997	5688704
Liu 2-37-2	12/4/1987	4/3/1990	4914500
Locanthi 3	9/22/1995	10/22/1996	5568100
Logan 6	10/24/1994	7/9/1996	5534826
Logan 7	10/24/1994	12/19/1995	5477197
Lopata 1-3-6	6/19/1989	3/19/1991	5001439
Lord 4	11/3/1980	11/30/1982	4361749
Lory 4-4	7/31/1989	5/7/1991	5013691
Lothian 6-22	9/22/1997	11/9/1999	5981319
LoVasco 2-6	6/9/1988	11/7/1989	4878611
Lu 11	10/12/1989	6/12/1990	4933297
Lu 12-4-1	9/29/1989	3/12/1991	4999317
Lu 13-1	11/1/1989	7/30/1991	5036378
Lu 2-1-1	7/28/1986	1/12/1988	4719124
Ludwick 3-2	5/27/1986	4/19/1988	4739196
Luftman 2-3	12/27/1993	12/26/1995	5478776
Lunardi 1-4	9/4/1987	4/25/1989	4825265
Lunardi 2-11-1	7/11/1989	3/19/1991	5001534
Luong 1	7/11/1984	1/6/1987	4634895
Luryi 12	10/21/1987	8/22/1989	4860064
Luryi 13	4/25/1988	2/21/1989	4806996
Luryi 17-2	4/25/1990	3/12/1991	4999687
Luryi 28	4/23/1993	7/12/1994	5329144
Luryi 29-37	7/9/1993	6/21/1994	5323053
Luryi 30	12/21/1993	3/5/1996	5496743
Luryi 6	12/29/1986	9/6/1988	4769341
Luryi 7	1/9/1985	9/1/1987	4691215
Lutz 1	9/28/1987	6/6/1989	4837571
Lutz 1-1	12/22/1995	7/14/1998	5781465
Lynch 19-24	6/12/1984	4/18/1989	4822754
Lynch 20-7	11/23/1984	4/14/1987	4656730
Lynch 24-10	7/25/1985	2/17/1987	4643804
Lynch 27-11	4/21/1986	2/24/1987	4646123
Lynch 38	11/17/1987	12/27/1988	4794091
Lynch 40-8	7/25/1988	1/23/1990	4896108
Lynch 45-5	5/15/1989	2/26/1991	4996576
Lynch 48	5/23/1991	5/18/1993	5212112
Lynch 50	1/15/1993	4/19/1994	5304834
Lytle 2	2/27/1991	3/31/1992	5100827
Lytle 8-7-3	6/30/1995	1/27/1998	5712176
Ma 1-6	2/14/1997	1/11/2000	6013418
Ma 18-27-43	11/24/1997	11/9/1999	5981403
Ma 5-30-1	12/31/1996	9/28/1999	5960302
Maamari 1	12/2/1992	5/23/1995	5418792
MacChesney 34-17-18	6/2/1982	12/27/1983	4422898
MacChesney 75-2-28-18-2	6/18/1997	12/28/1999	6007685
MacDowell 1-34	5/10/1993	8/8/1995	5439781
Madden 11	7/6/1982	3/26/1985	4506938